



# POWELL POTTER & POULSEN

ATTORNEYS AND COUNSELORS AT LAW

m104310017  
cc: Leslie  
Task 3957


January 28, 2011

Leslie Heppler  
Division of Oil, Gas & Mining  
Department of Natural Resources  
1594 West North Temple, Suite 1210  
Box 145801  
Salt Lake City, UT 84114-5801

Dear Ms. Heppler:

Please find enclosed the original notarized documents to transfer the Browns Canyon Rock Quarry 1 from Rock Products of Utah, Inc., to Castle Valley Stone, LLC. Please advise if the documents require any revision or if any additional documents need to be submitted. Once the transfer has been completed, the parties desire to also transfer the reclamation bond certificates of deposit as well.

Sincerely,  
Powell Potter & Poulsen, PLLC



Shawn W. Potter, Esq.

Cc: Rock Products of Utah, Inc.  
Castle Valley Stone, LLC c/o Carlos Clark

RECEIVED  
FEB 01 2011  
DIV. OF OIL, GAS & MINING

**STATE OF UTAH**  
**DEPARTMENT OF NATURAL RESOURCES**  
**DIVISION OF OIL, GAS AND MINING**  
1594 West North Temple Suite 1210  
Box 145801  
Salt Lake City, Utah 84114-5801  
Telephone: (801) 538-5291 Fax: (801) 359-3940

**NOTICE OF INTENTION TO COMMENCE LARGE MINING OPERATIONS**

The informational requirements of this form are based on provisions of the Mined Land Reclamation Act, Title 40-8, Utah Code Annotated 1987, and the General Rules as promulgated under the Utah Minerals Regulatory Program. (R647-4-et seq.)

*These pages will replace the corresponding pages in the original NOI.*

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**1. GENERAL INFORMATION**

1. Name of Mine: Brown's Canyon Rock Quarry 1
2. Legal name of entity (or individual) for whom the permit is being requested:  
Mailing Address: Castle Valley Stone, LLC; 2421 W 350 N  
City, State, Zip: HURRICANE UT 84737  
Phone: (435) 635-2601 Fax: (435) 635-  
E-mail Address: jeff@southweststone.net

**Type of Business:**

Corporation \_\_\_\_\_, LLC ☒, Partnership – general \_\_\_\_\_ or limited \_\_\_\_\_,  
Sole Proprietorship (dba) \_\_\_\_\_, or Individual \_\_\_\_\_

**Entity must be registered (and maintain registration) with the State of Utah, Division of Corporations (DOC).**

Are you currently registered to do business in the State of Utah? Yes ☒ No \_\_\_\_\_

Entity # 7472636-0160

If no, contact DOC at [www.commerce.utah.gov](http://www.commerce.utah.gov) to renew or apply.

Local Business License # : \_\_\_\_\_ (if required)

Issued by: City: \_\_\_\_\_ or County: \_\_\_\_\_

**If Business is a Sole Proprietor:**

Name of owner: \_\_\_\_\_ Title: \_\_\_\_\_

Business Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**If Business is a Partnership:**

Name of Partner: \_\_\_\_\_

Business Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

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**If Business is a Corporation:**

Name of Officers: \_\_\_\_\_ Title: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Corporate Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

**If Business is a Limited Liability Company:** Member Managed \_\_\_\_\_ Manager Managed \_\_\_\_\_

Name of 1<sup>st</sup> Member/Manager: Jeff Sagers Title: Manager  
Business Address: 2421 W 350 N  
City, State, Zip: HURRICANE, UT 84737-2046  
Phone: (435) 635-2601 Fax: (435) 635-2694  
E-mail Address: jeff@southweststone.net

2nd Member/Manager: \_\_\_\_\_ Title: \_\_\_\_\_  
Business Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

**2. Contacts:**

**This person may be notified for:** permitting ☒ surety ☒ Notices ☒  
(please check all that apply)

Name: Jeff Sagers Title: \_\_\_\_\_  
Address: 2421 W 350 N  
City, State, Zip: HURRICANE, UT 84737-2046  
Phone: (435) 635-2601 Fax: (435) 635-2694  
Emergency, Weekend, or Holiday Phone: \_\_\_\_\_  
E-mail Address: jeff@southweststone.net

**This person may be notified for:** permitting \_\_\_\_\_ surety \_\_\_\_\_ Notices \_\_\_\_\_  
(please check all that apply)

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Emergency, Weekend, or Holiday Phone: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

**Registered Utah Agent** (as identified with the Utah Dept of Commerce) (if individual leave blank):

Name: Gary Stark Title: \_\_\_\_\_  
Address: 2421 W 350 N  
City, State, Zip: HURRICANE, UT 84737-2046  
Phone: (435) 635-2601 Fax: (435) 635-2694  
E-mail Address: \_\_\_\_\_

### 3. Certification:

**This certification must be signed by:**

- (1.) an executive officer if the applicant is a corporation;
- (2.) a partner if applicant is a partnership (general or limited);
- (3.) the owner if applicant is a sole proprietorship;
- (4.) the member or manager if applicant is a limited liability company; or
- (5) the individual if the applicant is filing as an individual:

I state under penalty of perjury under the laws of the state of Utah and the United States of America that:

- a. Rock Products of Utah, Inc. (transferor), has provided a copy of the approved mining and reclamation plan. I will follow the approved mining and reclamation plan until such time that I provide the Division with an amended Notice of Intention (plan) and receive approval of the amended Notice; AND
- b. I commit to the reclamation of the aforementioned large mining operation as required by the Utah Mined Land Reclamation Act (40-8) and the rules as specified by the Board of Oil, Gas and Mining.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name (typed or printed): \_\_\_\_\_

Jeff Sagers

Title/Position (if applicable): \_\_\_\_\_

Managing Member

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION of OIL, GAS and MINING  
1594 West North Temple, Suite 1210  
Box 145801  
Salt Lake City, Utah 84114-5801  
(801) 538-5291

Task ID#3957  
cc:leslie

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APPLICATION FOR TRANSFER  
OF  
NOTICE OF INTENTION TO COMMENCE LARGE MINING OPERATIONS

Application is hereby made to transfer the permit to commence large mining operations for the  
Brown's Canyon Rock Quarry 1 mine, permit # M/043 /0017, currently  
operated by Rock Products of Utah, Inc. (transferor)  
to Castle Valley Stone, LLC (transferee).

As used herein, TRANSFEROR refers to the current operator; TRANSFEE refers to the  
proposed new operator; NOI refers to the Notice of Intention to Commence Large Mining  
Operations; PERMIT refers to the approved (or accepted) NOI, including the reclamation  
contract and reclamation surety.

Upon approval of the Application for Transfer:

1. The Transferor agrees to transfer all rights and obligations to operate under the terms of the NOI to the Transferee, The Transferor will not retain any rights to conduct mining operations within the area covered by the approved NOI.
2. Both parties understand the transfer of the ***NOI is not complete until all the applicable requirements are met***, including the submittal and Division approval of an appropriate reclamation surety and a reclamation contract.
3. The transferee has read and has a copy of the current NOI.
4. The Transferee has inspected the site and is fully aware of all existing conditions and responsible for compliance with the conditions of the permit and the obligations regardless of the nature of the conditions at the site.
5. Transferee shall conduct mining operations on lands included in the NOI in accordance with the Utah Mined Land Reclamation Act, (ACT) Sections 40-8-1 et seq., Utah Code Annotated, (2005, as amended), and the rules promulgated under the ACT (R647- et seq., and the approved NOI.
6. The Transferee shall provide a surety in a form and amount approved by the Division to assure reclamation of the lands affected by the mining operations.

The **Transferor** will remain liable for compliance at the mine site until this transfer application is approved.

The signatory below represents that he/she has authority to execute this transfer on behalf of the Transferor, if not a natural person. Statements made in the application are true and correct to the best of my knowledge and belief.

TRANSFEROR:

Rock Products of Utah, Inc.

Operator/Transferor Name

By Develon Wurth

Name of Authorized Officer (Typed or Printed)

President/Authorized Agent

Title of Authorized Officer

[Signature]  
Officer's Signature

Date

STATE OF Utah )

) ss:

COUNTY OF Wasatch )

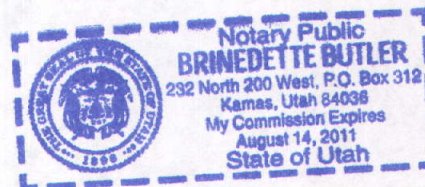
On the 26<sup>th</sup> day of Jan., 20 11, Develon Wurth  
personally appeared before me, who being by me duly sworn did say that he/she is  
an Authorized Agent (owner, officer, director, partner, agent or other (specify))  
of the Operator Rock Products of Utah, Inc.  
and duly acknowledged that said instrument was signed on behalf of said Operator  
by authority of its bylaws, a resolution of its board of directors, or as may otherwise  
be required to execute the same with full authority and to be bound hereby.

Brinedette Butler

Notary Public

Residing at

My Commission Expires:



The signatory below represents that he/she has authority to execute this transfer on behalf of the Operator/Transferee, if not a natural person; and the operator/transferee is a properly organized entity in good standing under the laws of Utah and the United States, is registered as an entity authorized to do business in the State of Utah. Statements made in the application are true and correct to the best of my knowledge and belief.

TRANSFeree:

Castle Valley Stone, LLC

Operator/Transferor Name

By Jeff Sagers

Name of Authorized Officer (Typed or Printed)

Managing Member

Title of Authorized Officer

[Signature]

Officer's Signature

Date

STATE OF UTAH )

) ss:

COUNTY OF WACATCH )

On the 20 day of JANUARY, 20 11, Jeff Sagers  
personally appeared before me, who being by me duly sworn did say that he/she is  
an Managing Member (owner, officer, director, partner, agent or other (specify))  
of the Operator Castle Valley Stone, LLC  
and duly acknowledged that said instrument was signed on behalf of said Operator  
by authority of its bylaws, a resolution of its board of directors, or as may otherwise  
be required to execute the same with full authority and to be bound hereby.

[Signature]

Notary Public

Midway Utah

Residing at

09-29-14

My Commission Expires:

